



GSA Public Buildings Service

March 17, 2017

MEMORANDUM TO REAL PROPERTY UTILIZATION AND DISPOSAL REGIONAL DIRECTORS - 1PZ, 4PZ, 7PZ, 9PZ, WPZ

FROM: FLAVIO PERES 
ASSISTANT COMMISSIONER
OFFICE OF REAL PROPERTY UTILIZATION AND DISPOSAL (PI)

SUBJECT: Amendments to Title V of McKinney-Vento Homeless Assistance Act
42 USC §11411
(Program Memo 17-02)

In December of 2016, President Obama signed "The Federal Assets Sales and Transfer Act of 2016," Public Law 114-287. The new law has established a number of amendments to the Federal disposal process. Specifically, Section 22 of this newly enacted statute amends Title V of the McKinney-Vento Homeless Assistance Act in the following ways:

- The screening period for properties determined suitable for homeless assistance has been amended from sixty (60) to thirty (30) days.
- The Department of Housing and Urban Development (HUD) will now publish all suitability determinations on a HUD website rather than in the Federal Register.
- The time frames for application and review by the Department of Health and Human Services (HHS) have also been amended to include a bifurcated (two-phase) process totaling 120 days for application and 25 days for HHS review of the completed applications.
- The first phase is an initial application based on proposed usage and the second phase includes a holistic review including the proposed financing.
- Properties determined unsuitable for homeless assistance which receive no appeal during the 20 day holding period will no longer be included in subsequent quarterly canvass publications by HUD.

- The allowance of permanent housing with or *without* supportive services. (The italics indicate the language change to the current statute).
- Properties will now be made available for the homeless by permit, lease or deed *at the applicant's discretion*. (The italics indicate the language change to the current statute).

Each of the amendments to the following subsections of 42 USC §11411 are outlined below, with additional information regarding implementation:

Subsection (c) Publication of properties. Beginning March 10, 2017, HUD began publishing suitability determinations on the Title V webpage of the HUD Exchange rather than in the Federal Register. The Title V webpage is found at <https://www.hudexchange.info/programs/title-v/suitability-listing/>. HUD will continue publishing the suitability determinations on Fridays.

Subsection (d) Holding period. Also as of March 10, 2017, properties published as suitable for homeless assistance by HUD will be held for a period of thirty (30) days.

In accordance with these amendments, GSA Office of Real Property Utilization and Disposal Zonal offices are instructed to revise the screening period for suitable properties from sixty (60) days to thirty (30) days. Also, please revise the reference to the Federal Register in the screening notices to "the Title V webpage on the HUD Exchange."

The following amendments have also been made to 42 USC §11411. Although they do not directly impact our screening practices, it is nevertheless beneficial to be cognizant of them:

Subsection (b) Availability of property. The following has been added to create (b)(2)(C):

"in the case of surplus property, the provision of permanent housing with or without supportive services is an eligible use to assist the homeless under this section."

Subsection (d) Holding period. The text in bold has been added to this subsection pertaining to properties found unsuitable by HUD and held for a period of 20 days that do not receive a challenge of the unsuitable determination, stipulating that such properties **"will not be included in subsequent publications unless the landholding agency makes changes to the property (e.g. improvements) that may change the unsuitable determination and the Secretary (of HUD) subsequently determines the property is suitable."**

Subsection (e) Application for property. The following time lines are now in effect for incoming applications:

- 75 days for applicant to submit initial application outlining the services to be offered, the need for services and experience of the applicant that demonstrates the ability of the applicant to provide the services.
- 10 days for HHS to review the initial application.
- If HHS approves the initial application, the applicant then has 45 days to provide a final application that sets forth a reasonable plan to finance the approved program.
- 15 days for HHS to review, make a final determination and complete all actions on the final application.

Subsection (f) Making property available to representatives of homeless. The text in bold has been added to the following existing language in subsection (f)(1):

“Subject to the provisions of this subsection, property for which the Secretary of Health and Human Services has approved an application under subsection (e) shall be made promptly available, **at the applicant’s discretion**, by permit or lease, or deed as a public health use under section 550(a)-(d) of title 40, to the representative of the homeless that submitted the application.”

Please distribute this guidance to the homeless/PBC coordinators and all realty specialists in your zone. If you have any questions, please contact David Stinson at (202) 208-0324 or david.stinson@gsa.gov.